

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RONALD EDWARD WILLIAMS,

Plaintiff,

9:11-CV-1477

v.

CORPORAL SILLIMAN,

Defendant.

THOMAS J. McAVOY
Senior United States District Judge

DECISION & ORDER

I. INTRODUCTION

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred by this Court to the Hon. David E. Peebles, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

In his February 18, 2014 Report and Recommendation, Magistrate Judge Peebles recommends that Plaintiff's motion for judicial notice, even if construed as a motion for reconsideration of the Court's August 30, 2012 Decision and Order that dismissed Plaintiff's previously pled court access claims, be **DENIED**; that Defendant's cross-motion for summary judgment be **GRANTED**; and that all remaining claims in the present action be dismissed in their entirety. Plaintiff has filed an objection to Magistrate Judge Peebles's recommendations. See Dkt. No. 49.

II. STANDARD OF REVIEW

When objections to a magistrate judge's report and recommendation are lodged, the district court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1); see also United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997) (The Court must make a *de novo* determination to the extent that a party makes specific objections to a magistrate's findings.). "[E]ven a *pro se* party's objections to a Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate's proposal, such that no party be allowed a second bite at the apple by simply relitigating a prior argument." Machicote v. Ercole, 2011 WL 3809920, at *2 (S.D.N.Y., Aug. 25, 2011) (citations and interior quotation marks omitted); DiPilato v. 7-Eleven, Inc., 662 F. Supp.2d 333, 340 (S.D.N.Y. 2009) (same).

General or conclusory objections, or objections which merely recite the same arguments presented to the magistrate judge, are reviewed for clear error. Farid v. Bouey, 554 F.Supp. 2d 301, 306 n. 2 (N.D.N.Y. 2008); see Frankel v. N.Y.C., 2009 WL 465645 at *2 (S.D.N.Y. Feb. 25, 2009). After reviewing the report and recommendation, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1).

III. DISCUSSION

Plaintiff fails to make specific objections to Magistrate Judge Peebles's report. Accordingly, the Court reviews the Report and Recommendation for clear error, and finds none. Even under *de novo* review, the Court accepts and adopts Magistrate Judge Peebles's recommendations for the

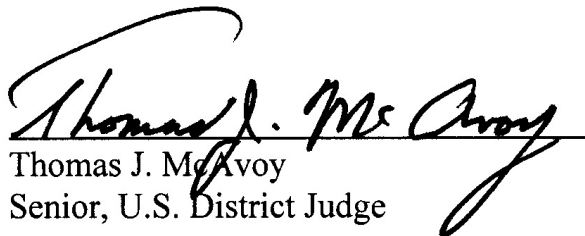
reasons stated in his thorough report.

IV. CONCLUSION

For the reasons discussed above, the Court accepts and adopts Magistrate Judge Peebles's February 18, 2014 Report and Recommendation in its entirety. Accordingly, Plaintiff's motion for judicial notice (Dkt. No. 35) is **DENIED**. Defendant's cross-motion for summary judgment (Dkt. No. 36) is **GRANTED**, and all remaining claims are dismissed in their entirety.

IT IS SO ORDERED.

Dated: March 12, 2014


Thomas J. McAvoy
Senior, U.S. District Judge